United States Department of the Interior

FISH AND WILDLIFE SERVICE
Twin Cities Field Office
4101 American Blvd E.
Bloomington, Minnesota 55425-1665

April 29, 2011

Matthew Langan
State Permit Manager
Minnesota Office of Energy Security
Energy Facility Permitting
85 7th Place East, Suite 500
St. Paul, Minnesota 55101

Dear Mr. Langan:

This letter constitutes U.S. Fish and Wildlife Service's (Service) comments on the Draft Environmental Impact Statement regarding the application by Xcel Energy for a route permit for the Hampton-Rochester-La Crosse 345 kV and 161 kV Transmission Line Project (DEIS). Our comments focus on four areas of primary concern to the Service with regard to the proposed project – lands and waters that are part of the National Wildlife Refuge System; endangered and threatened species; bald eagles (*Haliaeetus leucocephalus*); and migratory birds in general.

Upper Mississippi River National Wildlife & Fish Refuge

All three river crossings proposed in the DEIS would use existing Upper Mississippi River National Wildlife & Fish Refuge (Refuge) rights-of-way (ROW). Of them, the Alma crossing is expected to have the least impact to the Refuge and wildlife because the least amount of Refuge land is involved at this narrowest crossing of the proposed sites.

Regulations governing the compatibility of the establishment and expansion of Refuge ROWs allow only minor expansions to ROWs under certain conditions (50 CFR §26.41 (c)). These regulations further narrow the number of viable alternatives proposed in the DEIS when they are considered. The Alma ROW is the only ROW wide enough to accommodate the transmission line configuration that would likely have the least impact to birds and meet the conditions of 50 CFR §26.41 (c). The Service seeks a balance between expansion of the ROW, minimizing potential avian impacts through transmission line configuration, and the need for mitigation for lost habitat in the event of a minor adjustment to the existing ROW.

1A

Section 7.8.6 does not cite the fact that in January, 2010, the Upper Mississippi River Floodplain Wetlands, including the national wildlife refuge and adjacent state-managed areas, including the McCarthy Lake Wildlife Management Area, were designated as "wetlands of international significance" under the Ramsar Convention, an international treaty that provides a framework for scientific exchange and cooperative conservation. Although Ramsar designation does not in any way restrict existing management authority or decision-making ability on the designated wetlands, it helps justify accelerated efforts to understand ecological functions, balance sometimes competing demands, and demonstrate wise resource management.

Threatened and Endangered Species

Minnesota dwarf trout lily (*Erythronium propullans*) and prairie bush clover (*Lespedeza leptostachya*) – listed as endangered and threatened, respectively under the Endangered Species Act of 1973, as amended – each occur within the ROW or within one-mile of at least one route alternative, as described in the DEIS. Disturbance of forested or grassland areas that contain these species could affect them directly or indirectly by facilitating soil erosion and invasion by harmful exotic plants. Therefore, avoid direct or indirect disturbance of forested areas that contain Minnesota dwarf trout lily and of grassland areas that contain prairie bush clover. If such impacts appear unavoidable, coordinate with our office and Minnesota Department of Natural Resources at the earliest possible opportunity.

1B

The DEIS (Section 8.1, p. 87) states that "Impacts to dwarf trout lily… could be minimized by avoiding or spanning wooded floodplains and river terraces." Minnesota dwarf trout lily also occurs in "rich *north-northwest or northeast-facing slopes* (emphasis added) dominated by maple-basswood stands" (Sather, N. 2009. Minnesota Dwarf Trout Lily Recovery Activities 2008. Minnesota Department of Natural Resources, St. Paul, MN. 26 p.). Therefore, we recommend also planning to span these types of forested habitats where the proposed project crosses through the range of Minnesota dwarf trout lily. See http://www.fws.gov/midwest/Endangered/section7/s7process/plants/mdtl/mdtlrangemap.html) for further information regarding the known and potential range of Minnesota dwarf trout lily in Minnesota.

1C

The DEIS (Section 8.1, p. 87) states that "Impacts to the prairie bush clover … could be minimized by choosing one of the P route alternatives (except 1P-009)." If one of the alternatives that may impact prairie bush clover is selected, please coordinate with our office and with Minnesota Department of Natural Resources at the earliest possible opportunity to avoid or minimize adverse effects to this species.

Bald Eagles and Other Migratory Birds

As recognized in the DEIS, take of bald eagles and golden eagles (*Aquila chrysaetos*) is prohibited by the Bald and Golden Eagle Protection Act (BGEPA). Under BGEPA, take means pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb. Take is prohibited even if it results from, but is not the purpose of, carrying out an otherwise lawful activity.

1D

According to the DEIS (Section 8.1, p. 89), "Impacts to bald eagles could be minimized by choosing one of the P route alternatives (except 1P-009)." It is important to note, however, that bald eagles may construct new nests within route alternative corridors before construction begins. In addition, the project may result in the disturbance of nesting, foraging, or roosting bald eagles or other forms of take even if the alternative most favorable to eagles is selected. In the National Bald Eagle Management Guidelines (US Fish and Wildlife Service. 2007), the Service recommends siting transmission utility lines away from nests, foraging areas, and communal roost sites in order to avoid collisions, and to bury utility lines in important eagle areas.

To ensure that locations where project activities may disturb nesting bald eagles are completely and correctly described, it will be necessary for the applicant to develop accurate and up-to-date information regarding the precise locations of bald eagle nests and other Important Eagle Use Areas (see below) in proximity to proposed power line routes.

Bald eagles typically complete construction of new nests in central and southeastern Minnesota by March 31. Therefore, we recommend conducting aerial surveys for bald eagle nests during the month of April that immediately precedes any planned construction activities. If construction on a power line segment is planned to begin in July, for example, an analysis of potential impacts to nesting bald eagles should be based on an aerial survey conducted during the immediately preceding April. The Implementation Guidance for Eagle Take Permits under 50 CFR 22.26 and 50 CFR 22.27 indicates that because breeding home ranges of bald eagles can extend up to two miles from the nest, new potentially lethal infrastructure should be sited at least two miles away from Important Eagle Use Areas. Therefore, we recommend surveying all areas within two miles of proposed power line routes. Nests of other migratory birds, especially other raptors and colonial nesting waterbirds [e.g., great blue heron *Ardea herodias*)], should also be noted.

Nests are only one component of Important Eagle Use Areas, which are defined under Code of Federal Regulations (50 Section 22.3) as, "an eagle nest, foraging area, or communal roost site that eagles rely on for breeding, sheltering, or feeding, and the landscape features surrounding such a nest, foraging area, or roost site that are essential for the continued viability of the site for breeding, feeding, or sheltering eagles." Activities that disturb roosting or foraging eagles are prohibited under the Bald and Golden Eagle Protection Act. Therefore, we also recommend surveys be completed for foraging, roosting, or wintering areas within two miles of all potential line placements. Use of these locations by bald eagles can change throughout the year; therefore, we recommend a fall (pre-ice-up) and a winter (post-ice-out) survey to determine the location and use of these areas by bald eagles. Activity of other migratory birds should also be noted at this time, including waterfowl and water bird concentration areas.

We recommend that the applicant, Xcel Energy, coordinate with the Service regarding the design and subsequent results of all bald eagle/migratory bird surveys. It will be necessary to determine whether survey results and other available information may contain information regarding potential impacts to bald eagles or other migratory birds that may not have been previously considered or sufficiently addressed by the project's proposed mitigation. In addition, the Service may also recommend that the applicant apply for a permit under BGEPA. (For further information regarding these permits, see our website – http://www.fws.gov/midwest/MidwestBird/EaglePermits/index.html.)

1E

The DEIS (Section 7, p. 47) states that "The structure designs proposed for this project appear to be consistent with" resources developed by the Avian Power Line Interaction Committee (APLIC). According to APLIC, an updated edition of one of these resources – *Mitigating Bird Collisions with Power Lines: The State of the Art in 1994* – will be available in 2011. We assume that this updated document will contain improved measures to mitigate bird collisions.

1E (cont)

When it is released by APLIC, we recommend that Excel Energy and the Public Utilities Commission review it to determine whether the project's structure designs are consistent with any changes from the 1994 document and, if not, to modify any structure designs to further reduce the likelihood of bird collisions, as appropriate.

For further information regarding these comments and for future coordination regarding the proposed project, please contact Phil Delphey at (612) 725-3548, ext. 2206.

Sincerely,

Tony Sullins
Field Supervisor

cc: Mr. Rich Frietsche, Upper Mississippi River National Wildlife & Fish Refuge (UMRNWFR), Winona, MN
Mr. Jim Nissen, La Crosse District, UMRNWFR
Ms. Mary Stefanski, Winona District, UMRNWFR

FEIS ID #1

1A.
Please see revised text in Sections 7.8.6 and 8.3.4.8 of the Environmental Impact Statement (EIS).

1B.
The location identified in this comment is noted and is available to the applicant as part of the record. All available data was reviewed and this location could not be verified. Additional survey/planning will be performed before construction.

1C.
Please see revised text in Section 7.6.3 of the EIS.

1D.
Please see revised text in Section 8.1.4.6 of the EIS.

1E.
The Avian Powerline Interaction Committee (APLIC) structure information is referenced in Section 7.7.2.1 of the EIS. The 2011 APLIC guidance document is not yet available. The Applicant has emphasized in the Route Permit Application and in the DEIS comments that structure design will be determined through continued coordination with state and federal wildlife agencies, which in turn consult current APLIC guidance for current appropriate avian collision avoidance strategies.

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Mississippi River Parkway Commission of Minnesota

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April 29, 2011

Matthew Langan
Office of Energy Security
Minnesota Department of Commerce
85 7th Place East, Suite 500
St. Paul, MN 55101-2198

RE: CapX 2020 Hampton-Rochester-La Crosse DEIS, PUC Docket No. TL-09-1448

Dear Mr. Langan:

The Mississippi River Parkway Commission of Minnesota (MN-MRPC), byway organization for the Minnesota Great River Road National Scenic Byway, has reviewed the Draft Environmental Impact Statement (DEIS) for the Hampton-Rochester-La Crosse Transmission Line Project. The mission of the MN-MRPC is to promote, preserve and enhance the resources of the Mississippi River and to develop the highways and amenities of the Great River Road. Our input and concerns regarding the DEIS are listed below.

2A

We oppose the alternate route that would parallel the Minnesota Great River Road (GRR) for approximately 1.3 miles. Paralleling the Great River Road would destroy the scenic value so unique and special to this area of the National Scenic Byway. As noted on page 37 of the DEIS, one of the options to reduce visual impact is to "avoid routing through areas with high-quality, distinctive view sheds, including scenic highways, river crossings, and similar areas where feasible." This area of the byway is clearly high-quality and distinctive and should not be diminished. There are also negative impacts associated with the alternate alignment on TH 42 including: potential perpendicular alignment on the GRR requiring substantial vegetation removal; TH 42 as it enters the Mississippi River Valley offers spectacular views as travelers approach the river and GRR; this segment of TH 42 includes highly erodible side slopes and bluffs that would be vulnerable due to the construction and long-term vegetation management practices; and the view from the river toward the west would reveal a new cut versus the current wooded bluff line.

2B

2C

Vegetation removal was not reflected in the Great River Road photo simulations provided. The MN-MRPC requests a video visual impact simulation including peripheral, front and rear views, in motion as travelers actually experience the byway, whether by car or bicycle. The simulations presented do not accurately or completely relate the cumulative experiential and resource impacts. Specifically they do not illustrate the vegetation removal, which is extensive in scope and severely impacts scenic, natural, recreational and historic intrinsic qualities of the byway. This is true if traveling directly under or near the proposed lines or if viewing them across the river, from the Wisconsin Great River Road perspective.

2D

Section 7.3.5 regarding tree groves and windbreaks states a preference to remove trees in public road rights of way which include the Great River Road. The National Scenic Byway is not mentioned as requiring higher protection. Mitigation plans following construction were not specifically addressed, including steps to restore or enhance the experience of the byway traveler. Mitigation language for impacts to scenic byways in Section 7.11.1 focuses on safe operation and maintenance of roadways only.

2E

2F

The underground river crossing should not be ruled out as a possibility. This option would result in the most minimal visual impact near the Mississippi River and Great River Road. This could also provide an opportunity to partner with other efforts related to river crossings, such as installation of an invasive species barrier.

2G

2H

2I

2J

In addition, because this project impacts the Great River Road National Scenic Byway in two states, we ask that routing and river crossing decision making processes in Minnesota are aligned with processes in Wisconsin. The MN-MRPC opposes any routes that would parallel the Wisconsin Great River Road, both for the sake of scenic impact on our Minnesota Great River Road travelers, as well as the negative impacts to the Wisconsin Great River Road. Our partners, the Wisconsin MRPC, should be included in these conversations. After reviewing the DEIS, the WIMRPC has noted specific concerns related to impacts at Alma. Alma is one of the most popular destination points on the entire 250 mile Wisconsin Great River Road National Scenic Byway. The river town of Alma is quaint – its main street is located immediately adjacent to the Mississippi River and is listed on the National Historic Record; the Corp of Engineers Lock and Dam and its observation deck is adjacent to down town. The Great River Road and the Mississippi River Trail pass thru downtown. Located on a bluff top above Alma is Buena Vista Park, a very popular tourist attraction providing a spectacular panoramic view extending across the majestic Mississippi River and its vast backwaters back dropped by the distant Minnesota bluffs. Alma was recently awarded a grant from the National Scenic Byway program to construct a high level wildlife and scenic viewing deck on an ascending bluff near the downtown area. "Viewing" (both scenic and wildlife) is a major attraction involving a wide range and preponderance of waterfowl. High tower transmission lines would have negative effects on the unique and treasured qualities of the area.

The Great River Road has achieved the esteemed designation of a National Scenic Byway because it possesses characteristics of regional and national significance. These characteristics are worthy of protection. We would welcome the opportunity for a meeting to discuss our concerns and options for resolution.

Sincerely,

Sheldon Johnson lcm

Representative Sheldon Johnson, Chair

cc: Al Lorenz, WIMRPC

FEIS ID #2

2A.
Your objection/preference of the specified route is noted. The comment is part of the record in this matter by its inclusion in the EIS, and will be submitted to the OAH and Commission for consideration.

2B.
Your objection/preference of the specified route is noted. The comment is part of the record in this matter by its inclusion in the EIS, and will be submitted to the OAH and Commission for consideration.

2C.
A visual simulation was prepared by the applicant and submitted to the record. The simulation is available in Appendix N.

2D.
Section 7.3.5 states a preference for sharing ROW in order to minimize the impact on natural resources, including trees. The text in Section 7.3.5 has been revised to indicate that a number of route alternatives cross or parallel areas such as the National Scenic Byway. In these areas, removal of trees may disturb the viewshed in the immediate ROW.

2E.
A ROW restoration plan will be implemented following construction as part of the permit. This plan may include maximizing the retention of as much visual screening around the ROW as possible.

2F.
The comment is part of the record in this matter by its inclusion in the EIS, and will be submitted to the OAH and the Public Utilities Commission ("Commission") for consideration.

2G.
Minn. Stat. 216E.02 requires the Public Utilities Commission ("Commission") to attempt to reach an agreement with neighboring states when permitting interstate transmission lines. Although no formal agreement or joint hearings are planned for this Project, the two permitting agencies and their staffs are in regular communication regarding project status and plans.

2H.
Your objection/preference of the specified route is noted. The comment is part of the record in this matter by its inclusion in the EIS, and will be submitted to the OAH and Commission for consideration.

2I.
The Wisconsin Mississippi River Parkway Commission (MRPC) will be added to the project distribution list as requested.

2J.
See Section 2.2 of the EIS. Only the Minnesota portion of the project is the subject of review in the this EIS. The State of Wisconsin is preparing a separate EIS for the Wisconsin portion of the project, including Alma.

Minnesota Department of Natural Resources

500 Lafayette Road • St. Paul, MN • 55155-40_

April 29, 2011

Matthew Langan, State Permit Manager
Minnesota Office of Energy Security
Energy Facility Permitting
85 7th Place East, Suite 500
St. Paul, Minnesota 55101

Re: Hampton-Rochester-La Crosse 345 kV and 161 kV Transmission Line Project DEIS
[PUC Docket Number: E002/TL-09-1448]

Dear Mr. Langan:

The Minnesota Department of Natural Resources (DNR) has reviewed the Draft Environmental Impact Statement (DEIS) for the Hampton – Rochester – La Crosse 345 kV and 161 kV Transmission Line Project. The DNR appreciates the explanation of impacts and attention to detail included in the DEIS and provides the following comments regarding environmentally sensitive areas and state lands located in each segment, rare species, and information regarding construction, design and the DNR License to Cross Public Lands and Waters. Please also see the attached comments regarding the application for a route permit for the Hampton – Rochester – La Crosse Project dated May 20, 2011 for additional context and DNR input.

Segment 1: Hampton Substation to North Rochester Substation

The Cannon River in the project area is designated as a State Recreation River per Minnesota Rules 6105.1600. State wild, scenic, and recreational rivers are defined as rivers, along with their adjacent lands, that possess outstanding scenic, scientific, historical, and recreational resources (MN Statutes 86A.05, Subd. 10). Minnesota Rules 6105.0170 state that in reviewing License to Cross or Work in Public Waters permit applications for such crossings, primary consideration shall be given to crossings that are proposed to be located with or adjacent to existing public facilities, such as roads and utilities. Routes crossing the Cannon River should be limited to existing disturbed corridors such as an existing highway or transmission line.

3A

Considering overall avoidance of natural resources as described in the DEIS, suggested use of an existing corridor to cross the Cannon River, and avoiding impacts to resources such as Byllesby Lake and the Warsaw WMA, the Preferred Route (1P) appears to generally impact the least natural resources for Segment 1. It is recommended that variations of the Preferred Route that may be necessary during project development be used to avoid public water crossings and associated natural resource impacts to the extent practicable.

3B

Segment 2: North Rochester Substation to Northern Hills Substation

It appears that the proposed crossing of Shady Lake occurs at a location where there is no existing infrastructure. Flood damage to the dam at Shady Lake recently caused this waterbody to change from a reservoir to a river. Regional DNR staff have reported possible plans for a restoration project in this area. Avoiding a greenfield crossing in this area is preferred and would likely correspond well with future restoration plans.

3C

Section 7. 7. 2.1 of the DEIS describes the risk of spreading Chronic Wasting Disease (CWD) in the Segment 2 area by moving soil containing prions, the disease agent for CWD. The DNR appreciates inclusion of this analysis and adds that avoiding construction work within the fence of the Elk Run Development, which was formerly an elk farm, would help avoid the movement of prions. Also, best management practices used to avoid the spread of invasive species, which should be used for all construction areas, should be particularly emphasized in areas identified in Section 7.7.2.1 for risk of CWD spread. Removing soil from equipment would help avoid the spread of invasive species as well as prions.

3D

The Draft EIS indicates that for Segment 2, North Rochester Substation to Northern Hills Substation, all route alternatives provided will have some impact to the Douglas State Trail. The Douglas State Trail ROW is 100-feet wide and was purchased by the DNR using LAWCON (Land and Water Conservation Fund Act) funds. As provided in previous comments (January, 2009), LAWCON funding includes stipulations that any land planned, developed or improved with LAWCON funds cannot be converted to uses other than outdoor recreational uses unless replacement of land of at least fair market value and reasonable equivalent usefulness is provided (Title 16 of U.S. Code, Chapter 45, Section 2509). It is preferred that the proposed project avoid the Douglas State Trail to the greatest extent possible.

3E

The Draft EIS, Section 8.2, is not clear about proposed route locations and whether or not the power lines will be physically located on state land within the Douglas State Trail Right-of-Way (ROW), or, if the transmission lines will run adjacent the trail ROW and not be located on state lands. Additionally, it is not clear as to whether or not the trail and transmission line ROWs will overlap in some way with potential visual impacts from the trail. Transmission lines currently run parallel to the trail between 60th Ave NW and CSAH 22 (West Circle Drive), however the transmission lines are located outside of the trail ROW.

The Draft EIS is also not clear as to whether the 80-foot ROW width must be clear of all woody vegetation along the Douglas State Trail. The removal of woody vegetation along the Douglas State Trail ROW along with the placement of the transmission lines and support structures would have a negative impact on trail users. The existing narrow strip of vegetation along the trail provides a wind break and shade, as well as scenic value, to trail users along the fairly open trail corridor.

The Mitigation section, on page 138, does not fully discuss mitigation measures other than minimizing impacts by choosing a route alternative other than the most intrusive alternative offered. As none of proposed alternatives completely avoid the Douglas State Trail, it appears that there will be some impact to the trail. The Draft EIS does not currently offer any mitigation strategies for the unavoidable impacts to the recreational resources of this segment.

3F

The DNR Parks and Trails Division requests further explanation of the potential impacts to the Douglas State Trail ROW and requests additional information about mitigation strategies related to the recreational resources for this segment. Parks and Trails staff will need to work with proposer on appropriate mitigation measures to comply with the requirements associated with LAWCON funding and to mitigate for the recreational and resource impacts to the trail.

8.2.4.5 Land Based Economies describes aggregate resources within Segment 2. Overall, sand and gravel deposits are scarce within this region. Generally, the original Preferred Route encumbers less undeveloped sand and gravel resources. The portion of original Alternative Route in the northwest corner of New Haven Township (Sections 5, 6, 7, and 8) dissects an important undeveloped, deposit of sand and gravel resources. This deposit is important because it is within a regional scarcity area for

3G Class C aggregates. Avoidance of this resource is recommended.

3H It is difficult to determine from the scale of the Land Use Compatibility Map whether there is more than one sand and gravel mine near the proposed line for Segment 2.

3I Please note that the Aggregate Source Information System (ASIS) is an additional source of information available from the DNR Division of Lands and Minerals regarding aggregate mining and is an inventory of pits used for state projects. However, please note that there are many additional gravel mines that are not in the ASIS database.

Segment 3: North Rochester Substation to Mississippi River

3J As stated in the attached May 20, 2010 letter, crossings of public waters should generally be located where there is existing infrastructure. For example, the Zumbro River should be crossed where existing infrastructure exists and there is the least impact to resources from clearing or construction activities. The Zumbro River crossing at the white bridge in Segment 3 appears to result in the least impact from clearing, and utilizes an existing river crossing.

3K Map 8.3.40 shows the statutory boundary of state forest in Segment 3, but does not show the actual state ownership boundary, which would show considerably less acreage. This should be corrected to avoid any confusion about the amount of forested land and state ownership. If needed, the DNR Division of Forestry would be able to assist with more accurate mapping for this area.

3L If final routing does cross state forest, single pole construction is preferred to reduce the acreage of forest clearing.

The McCarthy Lake Wildlife Management Area (WMA) has many important natural resources that could be impacted by the proposed project. McCarthy Lake WMA has one of the largest concentrations of the Blanding's turtle, a state-listed threatened species, in the United States and is also considered a significant habitat area for six other species of native turtles. The WMA also receives substantial numbers of waterfowl during spring and fall migrations and provides nesting habitat for sandhill cranes, one of the few in the state for Greater sandhills, and many migratory waterbirds. In addition, there are recorded breeding Henslow's sparrows, state-listed as endangered, and other rare grassland bird species on the WMA, which require open grassland habitats. Studies have shown towers and poles to be considered "hostile" as an environmental component of grassland songbirds. Power line corridors are typically chemically treated to keep brush and trees down, and this may put many native plants at risk. Though there is an existing transmission corridor in this area, expansion of the ROW and construction and maintenance activities would increase impacts in this area. Also a proposed bypass to follow the west property line on the WMA for over a mile (3A-Kellogg or 3P-Kellogg) would cross a wetland mitigation bank currently being constructed. Considering these possible natural resource impacts, and to avoid forest impacts within DNR managed state forest along the Preferred Route, the DNR encourages utilization of Highway 42 (Route 3B-003) in this area.

3M

3N In Section 8.4, it is unclear if the existing line near the Kellogg Crossing and the proposed line would be collocated on the same poles.

A description is included in the DEIS of an underground configuration to cross the Mississippi River. A thorough assessment of underground routing through this portion of the project is important as the Mississippi River is one of the primary flyways in North America. Underground routing is more expensive and technically challenging and therefore may be considered only practical when a uniquely

high risk of natural resource impact exists. Considering that this flyway is one of four primary flyways for all migratory species in North America, that transmission lines pose a risk of avian collision, and that the line is crossing through this narrow flyway corridor, this may be exactly the type of situation warranting the challenging use of underground configuration. A thorough analysis of underground routing, including some assessment of whether this crossing provides the most practical underground engineering out of possible crossings is recommended. This analysis may include locations other than previously described aerial crossings if engineering for underground configuration is more practical at another location.

3O

3P Analysis of an underground crossing at an existing transmission crossing, such as the Kellogg/Alma location, should include collocation of existing transmission and new transmission so that the possible benefits of underground transmission are not lessened in the analysis.

3Q Whether underground or aerial crossing is planned for this project, further coordination regarding details such as pole placement, pole type and underground line placement should be coordinated with the DNR to address vegetation and wildlife impacts, possible rare species impacts, and for preparation of a License to Cross Public Lands and Waters.

Rare Species

3R The DNR recommends that the FEIS include an assessment of state-listed species of special concern as these are rare resources that may be impacted by project activities. Also, the list of legally protected species (state-listed threatened and endangered) may change within the time periods described for project construction. Some state-listed species of special concern may be included as threatened or endangered at the time of final project construction. These species could also become listed during ongoing maintenance activities. Therefore, inclusion in the EIS will assist project developers and the DNR with an understanding of potential impacts at the time of construction.

Key Habitats and Species of Greatest Conservation Need (SGCN) as described in Minnesota's Comprehensive Wildlife Conservation Strategy are mentioned in the beginning of the DEIS, but potential impacts to Key Habitats do not seem to be further discussed. Further analysis of Key Habitats would strengthen an environmental assessment of this project and would be an appropriate way to utilize Minnesota's wildlife planning, considering the possible impact footprint of a large project such as the Hampton – Rochester – La Crosse Transmission Line.

3S

3T It appears that an incorrect table was included in Appendix F under the title Segment 1 – Rare Communities. A Rare Species table appears to be included instead of a Rare Communities table. A Rare Communities table should be inserted here.

3U Once a route is chosen through the Public Utilities Commission (PUC) permitting process, or earlier if possible, suitable habitat for threatened and endangered species will need to be identified along routes and may need to be surveyed. The applicant should coordinate with the DNR regarding any required surveys for threatened or endangered species. It is important to note that surveys may be required during a specific time period and may affect project planning and scheduling.

Project Overview

The DEIS indicated that three substations will be expanded or constructed. Brief descriptions of adjacent ROWs, graded areas and grade access roads are provided. The DEIS should include discussion on other existing utility lines within or near the proposed ROW and expand the description on

3V transmission line proximity to ROWs. While section 8.14.11 provides discussion on shared ROW with highways, this discussion should include shared ROWs with trails, transmission lines, and pipelines as shown on map 8.1-26.

3W Additional information should be provided on the effects to existing Farmland Natural Areas Program easements adjacent to the Applicant's Preferred Route.

Engineering and Operation Design

3X Figure 4.3-1 indicates heights that are inconsistent with the heights shown in the handout "345kV Transmission Pole Design Alternatives" which was provided at the meeting with the DNR on March 14, 2011. A consistent design should be included in the FEIS.

The DEIS indicates widths that are inconsistent with the widths shown in the handout "345kV Transmission Pole Design Alternatives" which was provided at the meeting with the DNR on March 14, 2011. A consistent width should be provided in the FEIS.

Construction

3Y The DEIS should evaluate storm water management. Specific practices should be implemented for the protection of water quality from storm water runoff including contaminated runoff from construction, operation and maintenance activities.

3Z It is recommended that the DEIS discuss and assess differences between winter and summer construction.

3AA The DEIS should evaluate the location of storage piles and source of materials used in construction. The

3AB DEIS should discuss disposal or wasting of the excavated material from the construction of the tower footings and include consideration of Chronic Wasting Disease precautions.

3AC The DEIS should discuss permanent and temporary access roads/points to the proposed ROW routes, whether they are asphalt, concrete, gravel, and the season and duration of use. These should be identified and impacts assessed.

3AD The DEIS should identify all hazardous materials that will be used at project sites, the amount that is to be used and stored, and how they are to be transported. The likelihood and/or frequency of hazardous material spills and response plans should be discussed, particularly near sensitive areas such as water crossings.

3AE The DEIS should evaluate clearing practices.

3AF The DEIS should discuss possible preventive measures and management techniques for invasive species. DNR invasive species standards will apply to state-administered lands and water and will include cleaning of equipment. Native species mixes for re-vegetation and use of clean weed-free straw for mulch will be required on state land and public water crossings. Best Management Practices to avoid the spread of invasive species are also important for the containment of soil contaminated with prions associated with Chronic Wasting Disease.

Required Permits and Approvals

3AG The review and issuance of DNR lands and water crossing licenses are coordinated by the DNR Division of Lands and Minerals. The Lands and Minerals Regional Supervisor for Dakota Goodhue and Wabasha counties is Trina Zieman (651/259-5792). The applicant should contact Trina Zieman to schedule a pre-application meeting to discuss administrative procedures for submitting the land and water crossing applications. Several licenses may be required depending on the timing and scope of the project. DNR monitoring will be required in the DNR licenses. Independent monitors may also be required during construction. Additional work areas on state land that are adjacent to the ROW may be considered under the land crossing license application. Temporary access to the ROW across state land is not part of the license application process and is considered a separate transaction. Such temporary access could not be granted through a lease. Requests for temporary access require review and approval and may not be granted. Adequate time for processing these requests should be allowed. Please also consider Executive Order 11-04, which sets a goal for the DNR of completing environmental permits within 30 days of final approval of the Final Environmental Impact Statement. Coordination may be necessary regarding this project and meeting the goal included in Executive Order 11-04.

Please note that the DEIS page numbering and some map numbering appears to be different on two different versions of the document available during the comment period. The DNR appreciates receipt of the notice related to these changes. However, it is possible there may be some references in DNR comments that unintentionally do not match the most updated DEIS version. Please feel free to contact me with any needed clarifications if any confusion exists.

DNR staff appreciate the opportunity to review the DEIS for the Hampton – Rochester – La Crosse Transmission Line Project.

Sincerely,

Jamie Schrenzel

Jamie Schrenzel
Principal Planner
Environmental Review Unit
(651) 259-5115

Enclosures: 1

C: Richard Davis, USFWS
Tom Hillstrom, Xcel Energy
Melissa Doperalski, DNR

Minnesota Department of Natural Resources

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May 20, 2010

Matthew Langan
State Permit Manager
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85 7th Place East, Suite 500
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Re: Route Permit Application and Draft Environmental Impact Statement (DEIS) Scoping for the Hampton-Rochester-La Crosse 345 kV Transmission Line Project [PUC Docket Number: E002/TL-09-1448]

Dear Mr. Langan:

The Minnesota Department of Natural Resources (DNR) has reviewed the route permit application for the Hampton-Rochester-La Crosse 345 kV Transmission Line Project and offers the following comments regarding the application and scoping for the DEIS. General DEIS Scoping Comments and Preferred, Alternative, and Route Option Comments are included. Most comments are suggested topics for analysis in the DEIS. Some comments are also provided as a review of the route permit application and are intended for early coordination of permit related topics.

General DEIS Scoping Comments

The DEIS should include a comparative environmental analysis of the Preferred, Alternate, and Route Options to determine which route would minimize negative environmental effects from the project. The DNR has several sources of information that should be included as part of the comparative analysis. The Natural Heritage Information System (NHIS) provides information on rare resources such as state threatened and endangered plant and animal species that should be included in the comparative analysis as well as an impact assessment and potential mitigation for the various alternatives carried forward for analysis in the EIS. The Minnesota County Biological Survey (MCBS) identifies and maps native plant communities and sites of outstanding, high and moderate biodiversity that should also be used. The MDNR has also prepared a comprehensive wildlife conservation strategy (*Tomorrow's Habitat for the Wild and Rare, An Action Plan for Minnesota Wildlife,* Jan. 2006) that identifies key habitats for Species of Greatest Conservation Need within each Ecological Classification System (ECS) subsection. The degree to which key habitats are affected by an alternative should also be included in the comparative analysis as well as an impact assessment and potential mitigation for the various alternatives carried forward in the EIS.

It should be noted that rare species surveys will be required if any native prairie remnants, other potential habitat of state-listed threatened, or endangered species will be impacted by the proposed project. In addition, habitat surveys may be required if more information is needed to assess areas with limited data.

The DEIS should include detailed information concerning any possible state-listed threatened or endangered species takings.

Tables 5.1-5 and 5.2-2 of the Route Permit Application, dated January 20, 2010, provide a format for communicating the rational for choosing the Preferred over the Alternate Route selections. The DEIS should include details of where these features are located within the segments of the identified routes would be helpful in determining which route would have the least environmental impact to natural resources. An example of some of the features that warrant further discussion include conservation areas, grasslands, native communities, bluff habitats, and state-owned lands.

The application discusses further coordination between the project proposer and the DNR regarding rare species and habitats. The DNR encourages this further coordination. GIS shapefiles are needed from the project proposer for DNR review of rare species and habitats in the project area.

The DEIS should identify the locations, associated natural resource impacts, and mitigation planned for temporary laydown areas and staging areas for each route described.

The DEIS should describe maintenance activities, possible associated natural resource impacts, and mitigation that will take place associated with this project for each route. For example, maintenance activities within public lands may be detrimental to natural resources if herbicide spraying were included.

The DEIS should identify distances to nearby State Parks. If a route is proposed near a State Park, the DEIS should include a viewshed analysis and a description of the effects the transmission line would have to park visitors.

Preferred, Alternative, and Route Options

There are two routes identified for crossing the Cannon River. Portions of the Cannon River in this area are designated as a State Recreation River per Minnesota Rules 6106.1600. State wild, scenic and recreational rivers are defined as rivers, along with their adjacent lands, that possess outstanding scenic, scientific, historical, and recreational resources (MN Statutes 86A.05, Subd.10). A greenfield crossing of the Cannon River would have substantial negative effects to the natural characteristics which underlie the Wild and Scenic River designation. In addition, Dakota County's Master Plan for Lake Byllesby Regional Park references the area as having high potential for intact pre-contact archaeological resources due the relatively undisturbed nature of the area (*Lake Byllesby Regional Park Master Plan,* July 2005). Routes to crossing this river should be limited to existing disturbed corridors such as highways or existing transmission lines.

The Preferred, Alternate, and Route Options would adversely affect the McCarthy Lake Wildlife Management Area (WMA). This area has many important natural resources that could be impacted by the proposed project. McCarthy Lake WMA has one of the largest concentrations of the Blanding's turtle, a state-listed threatened species, in the United States and is also considered

a significant habitat area for six other species of native turtles. The WMA also receives substantial numbers of waterfowl during spring and fall migrations and provides nesting habitat for sandhill cranes, one of the few in the state for Greater sandhills, and many migratory waterbirds. In addition, there are recorded breeding Henslow's sparrows, state-listed as endangered, and other rare grassland bird species on the WMA, which require open grassland habitats. Studies have shown towers and poles to be considered "hostile" as an environmental component of grassland songbirds. Power line corridors are typically chemically treated to keep brush and trees down, and this would put many native plants at risk. Although there is a route option to avoid the WMA, the proposed bypass would follow the west property line on the WMA for over a mile and would cross a wetland mitigation bank currently being constructed. The DNR cannot support this route option. The DEIS should analyze another route option in the area to avoid the above listed natural resources.

One of the proposed alignments is adjacent to the Woodbury WMA in Goodhue County near Zumbrota. There is a 69kV line less than a mile to the north. The DNR would recommend that the new line follow the existing alignment to the north for this route.

Page 3-3 of Section 3.0 of the route permit application discusses coordinating structure design with the USFWS. The DNR is interested in structure design related to public land and water crossings, particularly if a route crosses an area such as a state forest or WMA. Please coordinate with the DNR regarding the Mississippi River Crossing and other public land or water crossings.

Generally, crossings of public waters should be located where there is existing infrastructure. For example, the Zumbro River should be crossed where existing infrastructure exists and there is the least impact to resources from clearing or construction activities. The Preferred Route crossing of the Zumbro appears to result in the least impact from clearing, and utilizes an existing river crossing.

The Douglas State Trail corridor is a 100-foot ROW owned by the DNR. The corridor was purchased using federal Land and Water Conservation Fund Act (LAWCON) funds, which stipulate that the use of the corridor remains recreational. In Rochester, transmission lines run parallel the Douglas State Trail between 60th Ave NW and CSAH 22 (West Circle Dr.). The DEIS should give more detail about whether the trail ROW and the transmission line ROW overlap. If they do, there may be conflicts with LAWCON funding.

The purpose of the Land and Water Conservation Fund Act (LAWCON) is to help preserve, develop and provide accessibility to outdoor recreation resources. LAWCON stipulates that any land planned, developed or improved with LAWCON funds cannot be converted to other than outdoor recreational use unless replacement land of at least equal fair market value and reasonable equivalent useful is provided. (Title 16 of U.S. Code, Chapter 45, Section 2509). The process related to determining whether a crossing of public lands with LAWCON funding is possible may be time consuming. If any routes are proposed to cross public land, the applicant should coordinate with the DNR to determine whether the public lands have LAWCON funding and determine further steps regarding the license to cross public lands and waters. If any conflicts exist with the purpose of LAWCON funding, the DEIS should explain this topic.

The DEIS should include a robust description of possible underground crossings of the Mississippi River. The Mississippi River is one of the primary flyways in North America and, as discussed in the route permit application, a National Wildlife and Fish Refuge in this area. Examples of ways to further analyze an underground option follow: Underground route crossing options discussed in the DEIS should not only include an underground option at the location(s) best suited for considering aerial crossings, but should include an underground route at the location(s) best suited for engineering an underground route, which may or may not be the same location as the Alma crossing. The reasoning for the route(s) chosen for an underground crossing analysis should be included with the description of underground routing. A comparison of impacts and mitigation should be included for aerial and underground crossings of the Mississippi.

It would be informative if the DEIS contained a brief discussion of the possible extent of impacts in Wisconsin, particularly related to how the choice of a Mississippi River crossing location affects routing in Wisconsin and Minnesota. Providing information in the DEIS regarding the impacts in both Minnesota and Wisconsin would help the reader better assess the overall environmental impacts of an interstate project.

Thank you for consideration of these comments. If you have any questions, please contact me.

Sincerely,

Jamie Schrenzel

Jamie Schrenzel
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FEIS ID #3

3A.
The comment is part of the record in this matter by its inclusion in the EIS, and will be submitted to the OAH and Commission for consideration.

3B.
The comment is part of the record in this matter by its inclusion in the EIS, and will be submitted to the OAH and Commission for consideration. Water resources were reviewed during the development of the Preferred and Alternate Routes and route segments and during the development of the EIS. Impacts to these resources will considered in the final routing decision and there will be an opportunity during final design and permitting for DNR and the applicant to work together to minimize and mitigate natural resource impacts to the extent practicable.

3C.
The comment is part of the record in this matter by its inclusion in the EIS, and will be submitted to the OAH and Commission for consideration.

3D.
Please see revised text in Section7.7.2.1 of the EIS.

3E.
Your objection/preference of the specified route is noted. The comment is part of the record in this matter by its inclusion in the EIS, and will be submitted to the OAH and Commission for consideration.

3F.
EIS Section 8.2 describes where some of the routes either cross or parallel portions of the Douglas trail. Detailed maps of these areas are provided in EIS Appendix A. The transmission structures themselves would be placed outside the state trail itself, but in places the poles would be visible from the trail in areas where there is not dense tree cover. Trees would likely need to be removed along some areas of the trail.

If a route crossing or running parallel to the trail are selected, the applicant would work with the DNR during detailed design and permitting to develop mitigation on the Douglass Trail so the line would take the minimum of trees and so that the Project would not result in "converting the trail to a non-recreational use" and would therefore avoid triggering LAWCON-specific approvals from the DNR or the U.S. National Park Service.

3G.
Please see revised text in Section 8.2.4.5 of the EIS.

3H.
See Section 8.2.4.5 of the EIS.

3I.
ASIS data was used in the preparation of this EIS. Results are present Section 8.1.4.5, 8.2.4.5, and 8.3.4.5.

3K.
Maps 8.1-27, 8.2-25 and 8.3-40 have been updated to show State Forest Statutory boundaries and data depicting lands administered by the DNR Division of Forestry mapped to the PLS forty level.

3L.
Single-pole structures will normally be used on all routes for this Project, unless otherwise needed to meet specific mitigation requirements like the Mississippi River crossing at Kellogg (EIS Section 8.4).

3M.
Your objection/preference of the specified route is noted. The comment is part of the record in this matter by its inclusion in the EIS, and will be submitted to the OAH and Commission for consideration.

3N.
The existing 161 kilovolt (kV) line and the proposed 345 kV line would be on the same structures. Please note that, at the crossing of the Mississippi River, the structure configuration is not the typical steel monopole proposed for most of the rest of the line; rather, the crossing structures are a connected set of shorter poles, to reduce the height of the line near the Mississippi crossing.

3O.
As noted in the comment, the EIS contains the applicant's detailed analysis of the costs and benefits of the underground transmission option at the Alma crossing near Kellogg, Minnesota. This is the shortest overall crossing point. Assuming other evaluation criteria are more or less equivalent among the crossing options, the shortest crossing is the lowest-cost crossing. Engineering practicality is assumed to be roughly equivalent for all underground crossings of the river, with the exception of very lenghty crossing, which is not the case here. For that and other reasons listed in EIS Section 6.1.1, the Alma/Kellogg crossing is the best option for either an overhead or underground option.

3P.
While a detailed feasibility and cost estimate for undergrounding both the existing 161-kV line and the new 345-kV line at the Mississippi River crossing was not completed for the final EIS, the general comparison of the impacts due to underground versus overhead lines Appendix E3 is still applicable.

Also, the underground 345-kV river crossing option was rejected by the Applicants because the estimated cost ($70 million per mile) exceeded the benefits of reduced visual and avian impacts. The cost of undergrounding both the existing 161-kV and new 345-kV line would be even greater, and the avian and visual impacts at the Mississippi River crossing can be reduced (although not eliminated) through the proposed overhead design.

FEIS ID #3

3Q.
Additional detailed coordination will be necessary as part of the required DNR license to cross public waters.

3R.
The Natural Heritage Information System (NHIS) data have been provided in a table format in Appendix F. The species of greatest conservation need and non-status species are listed in the table, however, under Minnesota Administrative Rules 4410.2300, discussion of every species is beyond the scope of the EIS. General mitigation is discussed for species in Section 7.7.2.

3S.
Additional text on potential impacts to Species of Greatest Conservation Need (SGCN) Key Habitats has been added to Section 7.7 of the EIS. Field surveys to obtain more route specific wildlife data, including impacts to SGCN Key habitats would be completed once a route is permitted.

3T.
Appendix F has been updated to show the appropriate "rare communities" table.

3U.
The comment is part of the record in this matter by its inclusion in the EIS, and will be submitted to the OAH and Commission for consideration.

3V.
See paragraph 2 of Section 8.1.4.11.

3W.
The Dakota County Farmland and Natural Areas Program (FNAP) allows Dakota County landowners to be paid for the development value of their land in exchange for a permanent conservation easement over the land. The easement prevents the land from being developed for any purpose apart from the intent of the easement. A route that would be adjacent to, but would not cross or encroach upon, lands in the Farmland Natural Areas Program would have no legal effect on such an easement. However, the easements hold that no utility poles or structures may be placed within the easement. Therefore, if a structure was actually required within a BSWR or similar easement could be granted with the written consent of the grantee.

3X.
Figure 4.3-1 depicts the structure types/pole design alternatives currently under consideration for the majority of the route. Alternate structure types that are under consideration for the Mississippi River crossing can be found in Section 8.4 of the EIS.

3Y.
Section 5.0 of the EIS discusses construction activities and mitigation that can be used to minimize construction related impacts. While the EIS addresses issues like these on a broad level (see Minnesota Rules 4410.2300), specific issues may be addressed in greater detail during permitting and final design. The issues raised by the commenter will be addressed in detail during the preparation of a Stormwater Pollution Prevention Plan (SWPPP) for this Project.

3Z.
See revised Section 5.3 of the EIS.

3AA.
Section 5.0 of the EIS discusses construction activities and mitigation that can be used to minimize construction related impacts. While the EIS addresses issues like these on a broad level (see Minnesota Rules 4410.2300), specific issues may be addressed in greater detail during permitting and final design. For example, a condition may be included in applicant's route permit requiring the applicant to work with the DNR to coordinate the location of storage piles and material sources to minimize impacts to wildlife and habitat.

3AB.
Section 5.0 of the EIS discusses construction activities and mitigation that can be used to minimize construction related impacts. While the EIS addresses issues like these on a broad level (see Minnesota Rules 4410.2300), specific issues may be addressed in greater detail during permitting and final design. For example, a condition may be included in applicant's route permit requiring the applicant to work with the DNR to coordinate disposal or wasting of the excavated material from the construction of tower footings and to identify appropriate Chronic Wasting Disease (CWD) precautions.

3AC.
Section 5.0 of the EIS discusses construction activities and mitigation that can be used to minimize construction related impacts. While the EIS addresses issues like these on a broad level (see Minnesota Rules 4410.2300), specific issues may be addressed in greater detail during permitting and final design. For example, a condition may be included in applicant's route permit requiring the applicant to work with the DNR to coordinate regarding permanent and temporary access roads and points in order to minimize impacts to wildlife and habitat.

3AD.
Section 5.0 of the EIS discusses construction activities and mitigation that can be used to minimize construction related impacts. While the EIS addresses issues like these on a broad level (see Minnesota Rules 4410.2300), specific issues may be addressed in greater detail during permitting and final design.

The issues raised by the commenter will be addressed in detail during the preparation of a Stormwater Pollution Prevention Plan (SWPPP) which is administered by the MPCA.

3AE.
Section 5.0 of the EIS discusses construction activities and mitigation that can be used to minimize construction related impacts.

3AF.
Mitigation measures to minimize the spread of invasive species are discussed in Section 7.7.1.2 of the EIS.

3AG.
Thank you for the specific DNR contact information for details on the water crossing permit requirements and timing.

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April 29, 2011

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Re: CapX 2020 Hampton – Rochester – La Crosse Transmission Line Project
PUC Docket No. E002/TL-09-1448
OAH Docket No. 7-2500-20283-2

Dear Mr. Langan:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the Draft Environmental Impact Statement (DEIS) relating to the Application for a route permit filed by CapX2020 for its Hampton – La Crosse Transmission Line Project. Mn/DOT appreciates the opportunity to provide comments regarding the matters for which Mn/DOT has regulatory responsibility and other interests. Mn/DOT respectfully submits the following comments on some general matters that affect multiple portions of the DEIS as well as comments relating to some specific paragraphs of the DEIS.

General Comments

On May 20, 2010, Mn/DOT submitted a comment letter on the scope of the EIS. That letter contains a detailed discussion of Mn/DOT's Utility Accommodation Policy and how that policy is applied to requests for permits along trunk highway rights-of-way. Mn/DOT intends to submit its letter on EIS scoping into the record in this matter and also to participate in the public hearings and evidentiary hearings. Therefore, the matters already discussed in the letter on scoping will not be repeated here. It is important to bear in mind, however, that the methodology for evaluating permit applications described in the scoping letter will be followed when CapX2020 submits permit applications for specific locations.

Aviation

The DEIS notes in several sections where the proposed routes are close enough to airports to have a potential impact on aviation. The most significant impact to an airport open for public use is to the Stanton Airfield, which is discussed in sections 7.11.3 and 8.1.4.11. The Stanton Airfield is licensed by Mn/DOT's Office of Aeronautics, and its airspace must be protected to maintain its license. Mn/DOT's records reflect that the Stanton Airfield is not a commercial service airport.

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4B

The Stanton Airfield has two visual runways with required airspace protection for a 20:1 approach to maintain a license. The diagram enclosed as Attachment 1 depicts the airspace protection zones for the Stanton Airfield. The area inside the dashed line shows the FAA Part 77.25 horizontal surface, within which structures greater than 150 feet above the level of the runway are not permitted. The rings closer to the airfield depict locations along the 20:1 slope and representative heights of structures at those locations. For example, at the outermost of these rings, structures are limited to 100 feet in height. As the DEIS notes, proposed route alternatives 1B-005 and 1P-009 pass close enough to the east end of one of the Stanton Airfield runways as to present problems for safe operation of the airfield and continued licensing of that facility.

A filing with the Federal Aviation Administration (FAA) on FAA Form 7460-1 will be required. The DEIS should also indicate the Applicant's obligation to obtain all the required approvals from an aviation safety perspective. In addition to obtaining from the FAA a "Determination of Hazard" or "No Hazard", permits from either Mn/DOT or the local airport zoning authority are required. We are unable to determine from the DEIS whether all public airports within five miles of the project have been notified and given an opportunity to comment on compatibility of transmission lines with airport operations and land use compatibility.

Highway Impacts Associated with Construction of Transmission Lines

The DEIS discusses in section 7.11.1 the temporary impacts on the highway system caused by the construction of the transmission line. Based on recent discussions with CapX2020 about construction plans for the Hampton to La Crosse route, Mn/DOT believes that the description in the DEIS should be expanded to include additional information about the impact of transmission line construction on traffic flow along the Applicant Preferred Route.

In each location where a transmission line will cross a freeway or expressway, temporary traffic barriers will need to be installed to protect the area in the median where transmission line work will take place. This will likely require temporary lane closures in both directions on the highway. We understand that CapX2020 is considering the use of helicopters to facilitate stringing the wires on the transmission towers, and that the process would involve multiple pulling operations for each wire. Traffic on the highway will need to be slowed in both directions while these operations are taking place. It is anticipated that the work on each crossing will last for about a week.

In addition to such work at expressway crossing locations, we understand that the Applicant is considering the use of helicopters to facilitate stringing the wires for the entire project. The Applicant has also provided information about one of the methods for splicing wires together involves use of implosive charges. If the route and alignment ultimately selected runs parallel to a highway (and in particular US 52), these activities will take place over a substantial length of time in the immediate vicinity of a busy highway. Clearly, there is a substantial risk that drivers may be distracted by these activities, and therefore traffic flow would need to be carefully managed and monitored throughout the construction process.

Managing the traffic impacts of constructing a 345kV transmission line along an Interregional Corridor will require a significant amount of planning and coordination among many groups, including the Applicant, Mn/DOT, the State Highway Patrol, and local highway and law enforcement authorities. Activities to be addressed include determining a work schedule based on anticipated traffic loads, developing and implementing media alerts and

other communications plans, developing and implementing appropriate traffic control including barrier locations, fixed signs and variable message boards, implementing temporary rolling roadblocks for lane closures, and ensuring that contingency plans are in place.

With regard to the Monticello to St. Cloud route, the Applicant and Mn/DOT have initiated a cooperative planning process to manage the safe flow of traffic during the construction activities associated with that process. We anticipate that a similar traffic management plan would be required if the US 52 corridor is used in this route application.

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The text of the DEIS should also be expanded to explain that amount and severity of the impact on traffic operations associated with construction of a high voltage transmission line will vary among the route options under consideration. In addition, the statements in the DEIS that the transportation related impacts of other routes will be similar to those of the Applicant Preferred Route should be corrected. Due to the greater complexities of high volume divided highways and the far greater traffic loads carried by Interregional Corridors such as US 52, the Applicant Preferred Route which runs generally along US 52 will have significantly greater impacts on highway traffic than Applicant's Alternative Route or other route options that run across or along lower volume roads.

4D

In addition, the DEIS could be supplemented to include discussion of mitigation of the impacts on traffic associated with construction activities. The DEIS should include a paragraph indicating that the construction operations will have a significant impact on traffic operations and recommending that the Applicant be required to coordinate with Mn/DOT, local highway authorities, the State Patrol and other appropriate agencies and organizations regarding managing the safe flow of traffic throughout the construction process. It should also be clear that the Applicant should bear ultimate responsibility for the activities necessary to accommodate the construction of their project, including financial responsibility for costs that may be incurred such as rental of equipment or fees for temporary work (e.g., off-duty Highway Patrol officers supervising traffic control procedures) that the project may require.

Highway Crossings

The maps in Appendix A depict the boundaries of the proposed routes and a possible alignment within those proposed routes. In many locations where the proposed routes run parallel to a trunk highway, the alignment illustrated in the maps crosses over the highway and back again a significant number of times. This phenomenon can be seen on the Applicant Preferred Route as it follows along US 52. While individual highway crossings generally do not present insurmountable problems, a large number of crossings of the same highway can be problematic. This is especially true of high volume Interregional Corridors and freeways. First, the construction of a transmission line of this size is quite disruptive to traffic on such highways, and repeated crossings increases the difficulty of maintaining the safe flow of traffic while the transmission line is being built. Second, the presence of transmission lines on both sides of the highway acts as a significant constraint on the management and operation of the highway in the future. For example, at the point in the future when additional overpasses, interchanges or lanes need to be added, the options available would be constrained by the transmission line, and the cost incurred by the public to operate and maintain the highway will be increased. The DEIS should indicate that repeated highway crossings are very likely to cause the Trunk Highway Fund to incur significant additional costs in the future. Accordingly, when a route for the transmission line is selected, the applicant will need to work with Mn/DOT to minimize the number of times the alignment of the transmission line crosses the trunk highway(s).

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Comments on Specific Paragraphs

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Section 5.3.1. This section states that while structures are generally constructed at grade, for areas with more than 10 percent slope a working areas would have to be graded level or fill would be brought in to create working pads. This could affect Mn/DOT right-of-way in some areas, and each location where working pads may be necessary would need to be further evaluated through Mn/DOT's permitting process when specific pole locations are known.

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Section 7.11.1. This section contains the statement: "Visual simulations of the proposed transmission line structures as they would be seen from the perspective of a traveler along the Great River Road are being prepared and will be submitted for the record." It is important that any simulations of the impact of the transmission line include a realistic depiction of the vegetation that the applicant will remove around its power line. Merely superimposing the transmission line structures on a single photo from a single vantage point provides an incomplete representation of the impact the transmission line will have on a scenic byway such as the Great River Road. To have probative value, the visual simulation should be sufficiently comprehensive to provide a full representation of what the full impact of the transmission line will be. In addition, the Applicant should be required to take steps to mitigate the impact of the removal of vegetation along the Great River Road.

4H

Section 8.1.4.3 – This section of the DEIS reviews pinch points along the proposed routes. Some of the pinch points have the potential to affect Mn/DOT right-of-way. An additional pinch point that should be included is along US 52 south of MN 57 and north of CR 50. A house is located near the highway right-of-way on the west side of US 52 where the transmission line is proposed to be located.

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Section 8.1.4.11 and Map 8.1-26 – Map 8.1-26 shows areas where the right-of-way for the proposed route alternatives would "share" right-of-way with existing transportation, transmission line, or pipeline infrastructure. With respect to trunk highways, the word "share" in this context should be understood to mean that the transmission line would occupy a portion of the trunk highway right-of-way. Route 1P follows US 52 for about 27 miles and thus presents a right-of-way impact and requires coordination with future Mn/DOT projects. Map 8.1-26 identifies locations along US 52 where future projects such as interchanges or grade separations have been identified and are under consideration. The DEIS discusses that the applicants are requesting a wider route to accommodate future right-of-way options to avoid conflicts with Mn/DOT plans for the following projects:

- interchange at CR 47 near Hampton;
- potential railroad overpass 0.3 miles north of intersection of 295th Street and US 52;
- interchange at CR 24 south of Cannon Falls;
- interchange at CR 1 and / or CR 9; and
- interchange at CR 86 north of Cannon Falls.

4J

Additional locations listed on Map 8.1-26 but not discussed in the text include potential interchanges or overpasses at MN 57, CR 50, and CR 7. The width of the Applicant's proposed route should also be wide enough in these locations to accommodate future highway projects in these locations.

In addition to the future projects such as interchanges, the future work to US 52 is likely to involve adjustments to local roads associated with those projects as well as addition of features

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such as frontage roads. These would also require consideration when evaluating placement of transmission lines along US 52. Thus, additional coordination between the Applicant and Mn/DOT will be needed to fully accommodate these future road improvements if the Applicant's preferred route is selected.

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Section 8.1.4.11 states that most portions of rural US 52 are constructed on approximately 280 feet of right-of-way, and also that the Applicant has proposed that 70 feet of the transmission line right-of-way overlap the highway right-of-way. It is important to note that the width of the highway right-of-way is not uniform and may vary in width along any highway. Also, 70 feet of occupation of the highway right-of-way implies a pole placement approximately 5 feet outside the right-of-way boundary line. As Mn/DOT noted in its letter on the scoping of the DEIS, US 52 is a four-lane divided highway that carries a high volume of vehicle traffic daily. US 52 has been designated as a high priority Interregional Corridor and the vision for US 52 is to develop it as a fully access controlled freeway facility. Therefore, Mn/DOT's intent is to apply freeway standards to any permit applications by the Applicant, including the restriction on static occupation of the highway right of way. This would imply a pole position approximately 25 feet outside the right-of-way boundary line.

4M

Section 8.2.4.11. Mn/DOT has a design build project on US 52 south of Pine Island for a new interchange, realignment of existing county roads, and addition of frontage roads. Known as the Elk Run project, construction on this interchange is currently underway. Although an information box for the Elk Run interchange is indicated on Map 8.2-22, the location is incorrectly identified, and this project is not mentioned in the text of the DEIS. In addition, this project is not reflected in the maps in Appendix A. The extent and impact of the Elk Run interchange project on possible transmission line routes cannot be fully addressed unless the full footprint of the Elk Run project is shown on all relevant maps. It appears that number of the alignments (e.g., 2P, 2B-001, 2C3-001-2, 2C3-005-2, 2C3-006-2, 2C3-007-2, and 2C3-008-2) would be within or near the Elk Run interchange project. The affected alignments should be reviewed for impact associated with the Elk Run interchange project. The alternatives for Segment 3 (2C3) should also be reviewed for potential impact in this area.

4N

On page 133, the DEIS states, "Based on consultation with DOT, the 2P and 2A route alternatives are not expected to impact roadway expansion plans on US Hwy 52." The lack of discussion of the Elk Run project leads us to believe that the DEIS has not fully assessed the impacts of highway changes with respect to proposed routes 2P, 2B-001, 2C3-001-2, 2C3-005-2, 2C3-006-2, 2C3-007-2, and 2C3-008-2. This should be addressed in the EIS.

4O

Map 8.2-22 and Map 2.6-02. Both of these maps appear to have incorrect labels for route alternative 2B-001. This segment is identified as 2A-002 and should be corrected.

4P

Map 8.2-22. Map 8.2-22 shows highway right-of-way sharing along US 52 through the Elk Run interchange project and continuing south and east through Oronoco to the north side of Rochester. However, none of the route alternatives in the DEIS appear to include this portion of US 52. The indication of a route along US 52 in this area appears to be an oversight that should be revised.

4Q

Section 8.3.4.11. The discussion in this section should be supplemented to include additional information of the impact of the transmission line on highways such as route option 3B-003, with would run parallel to MN 42. In particular, for a couple miles immediately west of US 61, MN 42 follows a winding route through steep, heavily wooded terrain. There are steep banks on both sides of the highway, and it appears likely that working pads of the type

4R

described in Section 5.3.1 would be required. The construction activity and the removal of vegetation alongside the highway would require careful evaluation of the potential for erosion of the highway right-of-way, slope failures, proper water drainage, and the potential for rockfall onto the highway. Experience has shown that the steep bluff areas above US 61 are prone to mud slides after heavy rains, especially in locations where significant amounts of vegetation have been removed.

Section 8.3.4.12. The discussion of mitigation in this section states "Because all route alternatives in this segment would cross the Great River Road National Scenic Byway, visual impacts to this recreation area would be similar across route alternatives." It then points out that the visual impacts are not similar across route alternatives because routes 3P-Kellogg and 3A-Kellogg would also run parallel to the scenic byway for approximately 1.3 to 1.5 miles. The DEIS should state that routes 3P and 3A, which follow the existing transmission line crossing the scenic byway, have the least impact, while routes 3B-003, 3P-Kellogg and 3A-Kellogg would have greater adverse impact on the Great River Road National Scenic Byway. This section of the DEIS does not indicate how much vegetation removal would be required by the various route options along US 61, and it fails to discuss mitigation for tree clearing.

Mn/DOT has a continuing interest in working with the OES to ensure that possible impacts to highways, airports, waterways, rail lines and the environmentally significant areas of highway right of way are adequately addressed. We appreciate the opportunity to provide these comments. Please feel free to contact me if you have any questions regarding the information provided.

Sincerely,

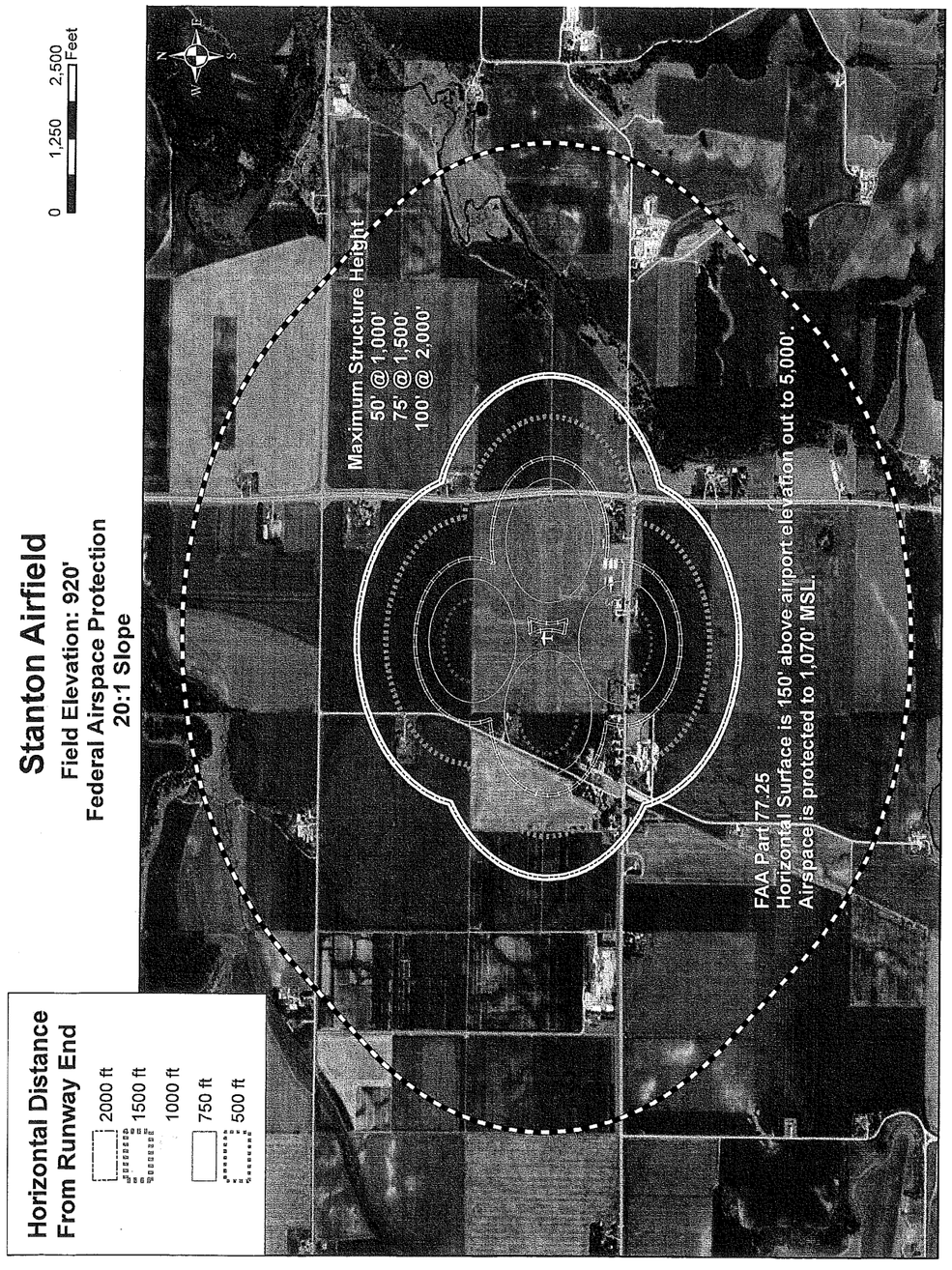
David G. Seykora

David G. Seykora
Office of the Chief Counsel

Enclosure

cc: Deborah R. Pile, OES
Karen Hammel, OAG
Lisa Agrimonti, CapX2020
Carol Overland, NoCapX2020/U-CAN
Jon Chiglo, Mn/DOT
Val Svensson, Mn/DOT
Greg Paulson– Mn/DOT District 6
Thomas O'Keefe – Mn/DOT Metro District

FEIS ID #4



4A.

The applicant will file all required permits prior to construction. All airports near the proposed routes received notice of opportunities to comment. In addition notice was published in local newspapers.

4B.

See revised text in Section 7.11.1 of the EIS.

4C.

See revised text in Section 8.1.4.11 of the EIS.

4D.

See revised text in Section 7.11.1 of the EIS.

4E.

See revised text in Section 7.11.1 of the EIS.

4F.

See revised text in Section 7.11 of the EIS.

4G.

A visual simulation was prepared by the applicant and submitted to the record. The simulation is available in Appendix N.

4H.

The comment is part of the record in this matter by its inclusion in the EIS, and will be submitted to the OAH and Commission for consideration. However, as discussed in Section 8.1.4.3, 8.2.4.3, and 8.3.4.3 of the EIS, "pinch points" in the context of this EIS were considered to be areas in which "human settlement features are located on either side of the proposed route and avoiding impacts by modifying route alignment may not be possible". In the area identified by the Minnesota Department of Transportation (DOT), an alignment change would likely address the issue DOT raises.

4I.

See revised text in Section 8.1.4.11 of the EIS.

4J.

See revised text in Section 8.1.4.11 of the EIS.

4K.

See revised text in Section 8.1.4.11 of the EIS.

FEIS ID #4

4L.
See revised text in Section 8.1.4.11 of the EIS.

See revised text in Section 8.2.4.11 of the EIS.

4N.
See revised text in Section 8.2.4.11 of the EIS.

4O.
Labels on maps throughout the EIS including maps 8.2-22 and 2.6-02 have been updated to reflect the correct route name.

4P.
The maps in Section 8.2 have been updated to included route 2P-001 and 2P-002.

4Q.
See revised text in Section 8.3.4.11 of the EIS.

4R.
General construction mitigation requirements are provided in EIS Section 5.5, and 7.3.5.

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FEIS ID #5

Langan, Matthew (COMM)

From: Johnson, David [djohnson@co.wabasha.mn.us]
Sent: Tuesday, April 26, 2011 1:39 PM
To: Langan, Matthew (COMM)
Subject: Wabasha County Board OF Commissioners' support of CAPX Project

Dear Mr. Langan,

5A

Today the Wabasha County Board of Commissioners voted unanimously to support the Preferred Southern Route, including the White Bridge Crossing, for the Hampton-Rochester-LaCrosse transmission line project as the route most consistent with Wabasha County's Comprehension Land Use Plan and having the least adverse impact on Wabasha County. This route shares the impact more equitably with Olmsted County rather than running the full length of Wabasha County.

The Wabasha County Board of Commissioners is requesting that the Preferred Southern Route be chosen for this project.

Sincerely,
David Johnson

David Johnson
County Administrator
Wabasha County, Minnesota
Phone: 651-565-3096
Fax: 651-565-3159

1

5A.

Your objection/preference of the specified route is noted. The comment is part of the record in this matter by its inclusion in the EIS, and will be submitted to the OAH and Commission for consideration.

David Johnson
Wabasha County Administrator
WABASHA COUNTY COURTHOUSE
625 JEFFERSON AVENUE
WABASHA, MN 55981-1529
PHONE (651) 565-3001
FAX (651) 565-4592
djohnson@co.wabasha.mn.us

Matthew Langan
Minnesota Dept. of Commerce
85 7th Place East
Suite 500
St. Paul, MN 55101

Dear Mr. Langen,

6A

Today the Wabasha County Board of Commissioners voted unanimously to support the Preferred Southern Route, including the White Bridge Crossing, for the Hampton-Rochester-LaCrosse transmission line project as the route most consistent with Wabasha County's Comprehension Land Use Plan and having the least adverse impact on Wabasha County. This route shares the impact more equitably with Olmsted County rather than running the full length of Wabasha County.

The Wabasha County Board of Commissioners is requesting that the Preferred Southern Route be chosen for this project.

Sincerely,

David Johnson
County Administrator
Wabasha County, Minnesota
Phone: 651-565-3096
Fax: 651-565-3159

6A.
Your objection/preference of the specified route is noted. The comment is part of the record in this matter by its inclusion in the EIS, and will be submitted to the OAH and Commission for consideration.

FEIS ID #7

Langan, Matthew (COMM)

From: apache@web.lmic.state.mn.us
Sent: Wednesday, April 13, 2011 3:54 PM
To: Langan, Matthew (COMM)
Subject: Ohly Wed Apr 13 15:54:14 2011 E002/TL-09-1448

This public comment has been sent via the form at:
www.energyfacilities.puc.state.mn.us/publicComments.html

You are receiving it because you are listed as the contact for this project.

Project Name: Hampton to Rochester to La Crosse 345kV and 161kV Transmission Line

Docket number: E002/TL-09-1448

User Name: Judy Ohly

County: Olmsted County

City: Rochester

Email: johly@charter.net

Phone: 507-261-2223

7A
7B

Impact: I am the broker of Ohly Real Estate Office. The building of these power lines will have an adverse affect on the property values in Oronoco Township. Rochester is the fastest growing city in Minnesota, and growth is North. These power lines will impact growth.

Mitigation:

Submission date: Wed Apr 13 15:54:14 2011

This information has also been entered into a centralized database for future analysis.

For questions about the database or the functioning of this tool, contact:

Andrew Koebrick
andrew.koebrick@state.mn.us

1

7A.

See Section 7.2 of the EIS.

7B.

As is stated in Section 7.2 of the EIS, no definitive evidence exists to suggest that a transmission line has a demonstrable negative effect on property values and therefore, by extension, urban growth.

FEIS ID #8

April 13, 2011

Re: Hampton to Rochester to LaCrosse 345KV and 161KV transmission line
Draft EIS

8A

Please do not move forward with this project. We are at a crossroads in the United State regarding energy. New technology is surfacing and our country would be much better served by investing in small wind energy systems and solar energy.

8B

The proposed transmission line will cause a great hardship to our region. We depend on our natural resources for growth, jobs and recreation. This power line will create great financial hardship to our region.

8C

It is not necessary to serve future electrical needs with this power line. We have a choice today to grow green energy. That would create jobs, allow us to be self reliant on our energy needs, and would not deface our environment.

Please STOP this project and instead put all resources in developing green energy.

Respectfully,

Judy Ohly
Olmsted County Commissioner, District 7
507-261-2223
johly@charter.net

8A.

The need for this transmission line has been previously determined by the Minnesota Public Utilities Commission (Docket No. CN-06-1115). Questions of need for this project cannot be addressed in this document, Minn. Stat. 216E.02, Subp. 2.

8B.

Section 7.5 of the EIS discusses potential economic impacts due to the Project. The comment does not provide specifics on why one route or another would cause different amounts of economic hardship.

8C.

The need for this transmission line has been previously determined by the Minnesota Public Utilities Commission (Docket No. CN-06-1115). Questions of need for this project cannot be addressed in this document, Minn. Stat. 216E.02, Subp. 2.

if it's not good for wildlife and animals, it's not good for humans.

Thank you.

MR. MATT LANGAN: Thank you.

The next speaker to register is Judy.

MS. JUDY OHLY: You didn't want to attempt that last name?

MR. MATT LANGAN: I didn't know if it was an N or an H. I'm sorry.

MS. JUDY OHLY: It's Judy Ohly, O-H-L-Y. I'm an Olmstead County Commissioner, District 7. I represent Oronoco Township and the city of Oronoco and everything to the north and then down through Rochester, also, to the south.

I'm here today and I'm probably not going to follow your rules. I'm a county commissioner, I don't always follow the rules. But the environmental impacts cannot be mitigated no matter what route you take and I'm here today to, please -- to ask you not to move forward with this project.

9A

We're at a crossroads in the United States regarding energy. New technology is surfacing and our country would be much better served by investing in small wind energy systems and solar energy.

The proposed transmission lines will cause great hardship to our region. We depend on our natural resources for growth, jobs, and recreation, and this power line will create great financial hardship to our region.

9B

It's not necessary to serve future electrical needs with this power line. We have a choice today to grow green power. Green energy would create jobs, allow us to be self-reliant on our energy needs, and would not deface our environment. So please, please stop the project and instead put all resources into developing green energy.

9C

Thank you.

MR. MATT LANGAN: Thank you, Commissioner.

Okay. I'm going to try to do the show of hands thing, and bear with me, I will do my best to do it in the order that I see them. But just to keep in mind, I appreciate the Commissioner's comments very much. I think that -- I'm guessing that many folks share that same concern and same point of view that you do.

I do ask that folks as much as possible comment on the draft EIS, as much as you're able to

today. It's a big document, there's no doubt, and I'm not expecting that each and every person has read this thing cover-to-cover at this point. But if there are -- if you have looked at certain portions of it, if you've been able to look at some of the maps in the back and there's something that's inaccurate or incomplete in that document, those are the ones that we can respond to in the final EIS.

And I think that also, you know, it's hard to wait until June to do so. I understand that, but there will be an opportunity for each of you, should you choose, to speak to the judge and talk about which routes are -- which routes you favor or do not favor. So I'll remind you that there is still that opportunity to do that.

One thing -- and we'll get to the comments here -- but I realize that I neglected to say, it was an oversight in the presentation, but when we're talking about those public hearing processes there are a couple different ways to participate.

One, there is a formal designation which is called intervening in the process. The public hearings are really run by the Office of Administrative Hearings, so it's their meeting, it's

their hearing, their process, and we're happy to put you in touch with their office so you can ask questions to consider whether or not you'd like to intervene.

But that is a formal designation that's available to people or groups to intervene. That does carry responsibilities of being at all of the public hearings and potentially being -- there's some cross-examination that can occur at the hearings. But if you're interested in that, we can provide you information about how to get in touch with the Office of Administrative Hearings and apply to become a formal intervenor in the process.

That deadline for intervening is May 2nd. So if you have questions for us, you can talk to Ray or Jamie or myself, and we can get your information and make sure to put you in contact with the Office of Administrative Hearings. So that's one way to be involved.

I do want to emphasis, the second way of being involved is just to show up and provide testimony and provide comments to the judge. You do not need to be a formal intervener in order to participate in that public hearing process. It's a part that as I was going through the process slide

FEIS ID #9

that I forgot to mention so I want to make sure that everybody in the room knew about that opportunity to participate in the public hearing.

Okay. With that said, again, if you have comments on the draft EIS, the accuracy and completeness of that document, I'll take a show of hands.

Yes, please.

MS. NANCY CRIBBS: This is not a comment but a question.

MR. MATT LANGAN: Okay.

MS. NANCY CRIBBS: I'm sorry. My name is Nancy Cribbs, C-R-I-B-B-S. And as I said, this is not a comment but rather a question.

You talked -- I was going to ask about intervention, but also on your chart it is called contested case hearing. And is that the same as an intervention or is that yet another process?

MR. MATT LANGAN: Thank you for that question. I can clarify that. The whole hearing process is called a contested case hearing, and that involves two different types of hearings.

One, it would be a public hearing where the judge comes out along the project routes. Again, it could be here in this very building in

9A.
The need for this transmission line has been previously determined by the Minnesota Public Utilities Commission (Docket No. CN-06-1115). Questions of need for this project cannot be addressed in this document, Minn. Stat. 216E.02, Subp. 2.

9B.
There are many HVTLs ringing the Twin Cities and other metropolitan areas. There is no clear evidence that the presence of HVTLs has slowed residential or commercial development in these areas.

9C.
The need for this transmission line has been previously determined by the Minnesota Public Utilities Commission (Docket No. CN-06-1115). Questions of need for this project cannot be addressed in this document, Minn. Stat. 216E.02, Subp. 2.

FEIS ID #10

Physical Development Division
Lynn Thompson, Director

Dakota County
Western Service Center
14955 Galaxie Avenue
Apple Valley, MN 55124-8579
952.891.7000
Fax 952.891.7031
www.dakotacounty.us

Environmental Mgmt. Department
Office of GIS
Parks and Open Space Department
Surveyor's Office
Transit Office
Transportation Department
Water Resources Department

May 12, 2011

Matthew Langan
State Permit Manager
Minnesota Office of Energy Security - Energy Facility Permitting
85 Seventh Place East, Suite 500
St. Paul, MN 55101-2198

RE: CapX2020 Draft EIS, Docket No. TL-09-1448

Dear Mr. Langan:

Thank you for the opportunity to review and comment on the draft Environmental Impact Statement for the CapX2020 transmission line project proposed to run between Hampton and LaCrosse, WI. Dakota County staff have reviewed the document as it affects the County and provide comments enclosed with this letter.

Many issues outlined in the staff comments will not be new to Xcel Energy and its partners because they have been raised during presentations to the Dakota County Board of Commissioners and in follow-up meetings between staff for Xcel and Dakota County over the last year.

10A

At 170 feet, the many pylon support structures for the high-voltage transmission line will be, by far, the tallest in rural Dakota County – indeed, there are few structures anywhere in the County that tall -- and will certainly change the landscape views. Some of the issues identified by County staff generally apply to any route while others are specific to various alternatives. Our primary concerns include:

- County-held conservation easement agreements preclude utility easements on several properties near route options (see the enclosed map and expanded comments).
- Routes through or near Lake Byllesby Regional Park raise several issues.

Please consider Dakota County staff as a skilled resource familiar with the area and its challenges — including conservation easements, recreation uses, wetlands, hazardous waste sites, groundwater and transportation — as you continue developing this EIS.

If you have any questions, please contact Kurt Chatfield at (952) 891-7022 or kurt.chatfield@co.dakota.mn.us.

Sincerely,

Lynn Thompson

Lynn Thompson, Director
Physical Development Division

cc: Commissioner Joseph A. Harris (District 1)
Brandt Richardson, County Administrator

Description
A portion of the proposed CAPX2020 high voltage powerline from Brookings, South Dakota to LaCrosse, Wisconsin runs through Dakota County. These comments refer to the 8-mile segment that runs from an existing substation in Hampton in southeastern Dakota County to the southeast into Goodhue County near Cannon Falls on its way to LaCrosse, WI.

In order to construct and operate the proposed project, Xcel Energy and its partners must obtain a route permit from the state Public Utilites Commission. State Office of Energy Security staff have prepared an Environmental Impact Statement (EIS) and seek comment from stakeholders regarding its completeness and accuracy.

A corridor spanning 150 feet of right of way is required for the 345-KV transmission line. The line consists of single-pole steel structures between 130 and 175 feet tall, spaced about 1,000 feet apart. In contrast, the tallest building in the County is the Blue Cross/Blue Shield office tower on Yankee Doodle Road in Eagan at 180 feet. In addition, the chimney at the Xcel Black Dog plant, radio transmission towers, and a few structures at the Flint Hills Refinery are taller than 170 feet.

PUC Docket No. TL-09-1448

10B

Parks and Open Space issues
Lake Byllesby Regional Park includes several recreational uses, including a very busy campground, that are could be affected by the presence of several 170-ft support towers. In 2010, there were about 130,000 visitors to the park, most of whom used the campground or the boat launch area (both are located close to the dam). The Lake Byllesby Regional Park campground is between 90 and 100% full each weekend during its season, from Memorial Day to Labor Day.

There are several other specific concerns related to the route alternatives that skirt the western boundaries of the Park or that cross the Lake Byllesby Dam:

10C

- The Audubon Society has designated the west end of Lake Byllesby as an Important Birding Area due to the marshy areas and mud flats exposed in the fall and early spring. These flats are within a national migratory flyway that attract waterfowl, shorebirds, eagles, even sandhill cranes and pelicans. The transmission line, which may be difficult for birds to see, and the height of the support pylon towers, could be an obstruction and danger to the birds as they fly in and out of that part of the Park. (State Highway 56 location)

- Dakota and Goodhue counties and the state Department of Natural Resources are co-sponoring a new recreational amenity with construction beginning in 2012. The project, the subject of many years of planning, is a $1.5 million trail bridge over the Cannon

10D

River, just downstream of the dam. Any proposed routes will need to avoid proximity to the recreational trail and bridge. (Harry Avenue location)

More information about both of these points is available in the Lake Byllesby Regional Park Master plan, which can be found on the Dakota County website at this link:

http://www.co.dakota.mn.us/LeisureRecreation/Reports/LakeByllesbyregionalParkMasterPlan.htm

10E

- Another issue is that of requiring a trade for parkland. Early route maps showed pylons on the west side of Hwy 56 that were on park land. This likely would trigger a 'conversion' scenario whereby the utility would have to purchase (and donate to Dakota County) replacement property of similar value and usefulness. Conversions are a requirement of many of the property acquisition grants Dakota County received.

10F

- The Byllesby Dam will be undergoing major improvements to increase discharge capacity, beginning in late 2011. These improvements are required by the Federal Energy Regulatory Commission, which regulates dams. While it is likely that these improvements will be within the existing 'footprint' of the emergency overflow spillway on the south side of the dam, any alternate routes for the transmission line cannot interfere with the existing dam improvement plans. (Harry Avenue location)

Farmland and Natural Areas

10G

Dakota County's Farmland and Natural Areas Program is mentioned only in passing in the Draft EIS in the project summary section (pg 7) and in Section 8 (pg 97). In the summary section, the EIS correctly identifies that several permanent conservation easements could be affected by the preferred route along Highway 52 in Hampton Township. The EIS summary sections address land use, cultural resources, and recreation, respectively, but there is no discussion or definition of Dakota County's FNAP even in the land use compatibility section (8.1.4.4). It seems appropriate for the EIS to acknowledge Dakota County's FNAP, given the length of the proposed transmission line, the comprehensiveness and singularity of FNAP, and the potential impact of the FNAP easements on the final location of the preferred route.

Permanent agricultural conservation easements are located adjacent to and straddling Highway 52, in Hampton Township in Dakota County. The easements, totaling 257 acres, were established in 2007 and 2009 through the Dakota County Farmland and Natural Areas Program (FNAP), and are co-held by Dakota County and the United States Department of Agriculture. These permanent conservation easements prohibit the construction of utilities and any other structures or development in perpetuity, as noted in the following easement deed excerpt (highlight added).

"4.3. Structures. There shall be no construction or placing of any house, garage, barn or other building, … antenna, utility pole, tower, conduit, line, cellular communication tower … or any other temporary or permanent structure or facility on the Protected Property, except as authorized pursuant to this section and section 7.5 below.

(d) Utility Services and Septic Systems – Maintenance, repair, replacement, removal, and relocation of existing electric, gas, and water facilities, sewer lines and/or other public or private utilities, including telephone or other communication services over or under the Protected Property for the purpose of providing electrical, gas, water, sewer, or other utilities to serve improvements outside of the Protected Property for such purposes, is permitted. Grantors shall not permit or grant easements for new utility transmission or distribution facilities or systems without the written consent of the Grantee. Maintenance, repair or improvement of a septic system(s) or other underground sanitary system that exists on the Protected Property at the time of this Easement, or the construction of a septic or other underground sanitary system, for the benefit of any of the improvements permitted herein, is permitted. All other utilities are prohibited on the Protected Property."

The preferred route of the transmission line will affect these easements depending on where the 150-wide corridor is constructed. It should be noted that alternative route segments also could affect other FNAP conservation easements established along Highway 56 (Emery Avenue) in 2006, totaling 414 acres, or established along County Road 86 (280th Street) in 2009 and 2011, totaling 344 acres.

Please see the attached map of existing easements in the affected area prepared by the Dakota County GIS staff. More information about Dakota County's Farmland and Natural Area Program can be found on our website:
http://www.co.dakota.mn.us/CountyGovernment/Projects/FarmlandNaturalArea/default.htm

10H

Office of Water Resources: Groundwater Protection and Contaminated Sites issues
Three known waste sites are within or alongside the preferred, alternate or "other" routes for the proposed transmission line as described in the draft EIS. Maps are attached. None of these three sites appear to contain any surface waste, but it's likely that waste could be found when digging occurs.

A considerable amount of research needs to be done in order to identify the type of waste or other substances that could be found below the surface on any of these sites. Therefore, Dakota County staff will wait to learn which route is approved before conducting that work. Staff have resources available for a more thorough evaluation of potential hazards and are willing to be of assistance.

No matter the eventual route for the transmission line, if affected soil or water is encountered as work proceeds, state rules and County ordinances require that work stops so a site investigation can be considered or conducted. Remediation could be required. If affected soil or water is found, or for more information about potential waste sites nearby, for applicable procedures, or other information, please contact the Dakota County Water Resources Office staff at (952) 891-7552.

FEIS ID #10

Dakota County Staff Comments
Draft Environmental Impact Statement
CAPX2020 Proposed Transmission Line: Hampton-LaCrosse
May 12, 2011

10I

There were no active wells in the County's database associated with properties on the transmission line proposed routes, but it is possible that old wells not known to our staff could be found before the project ends. If so, Dakota County requires that unused wells either be sealed or updated to current standards for use when the property is transferred. State law requires sellers to disclose information about known wells. Please contact staff in the Dakota County Well Program at (952) 891-7553 for additional information.

Transportation issues

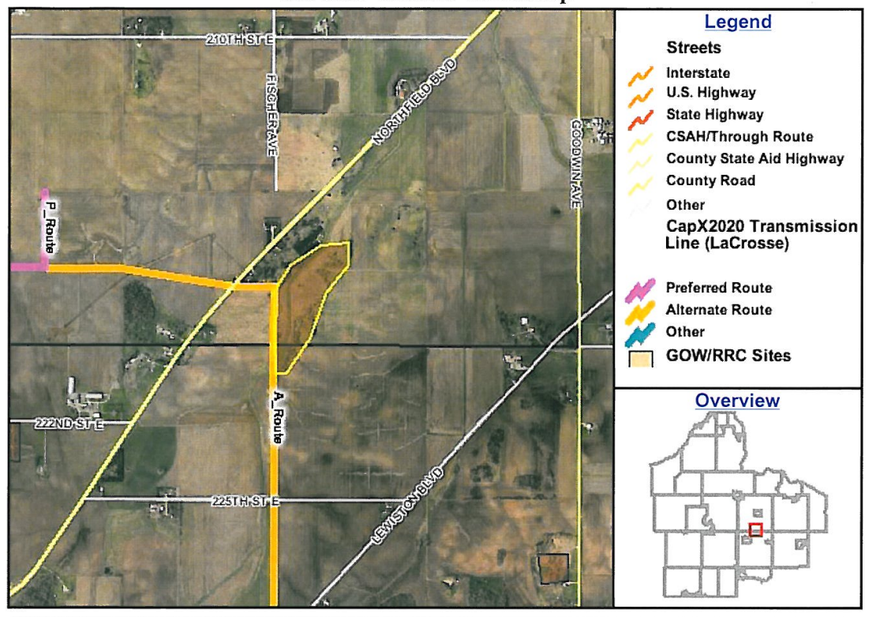
10J

In the Hampton to LaCrosse stage of the proposed transmission line, the Dakota County Transportation staff have few concerns about any of the routes, which rely primarily on either state highways or smaller county roads.

As the project moves forward, however, it is very clear that discussions with staff will need to occur over right-of-way. For all route segments adjacent to, within, or crossing Dakota County highway right of way, the utility will need to contact Gordon McConnell (952-891-9952) for the necessary County permits and other information.

Print Preview

Site 6118- Former Tire Dump



Name	Schaffer Tire & Dump	*File Location*	J34
Site ID	6118	*Stage*	Some Work Done
MPCA Leak ID	0	*Category*	Disposal
Dump Type	Large, Unlimited Variety	*Alternate Names*	
Comments		*Write Up*	6118
City	Vermillion Twp		

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

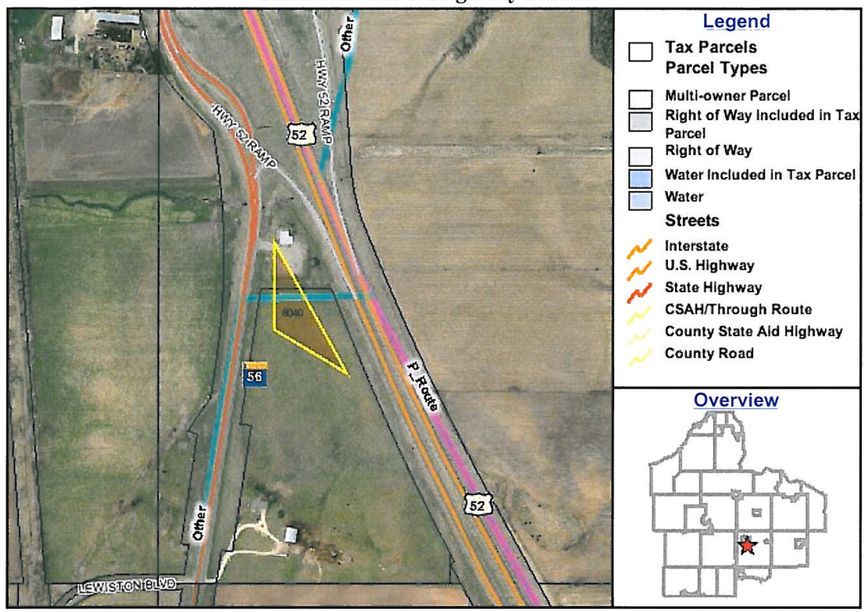
Map Scale
1 inch = 2126 feet

FEIS ID #10

Print Preview

Page 1 of 1

Site 8040 MnDot Highway Station



Name	MNDOT Highway Station	*File Location*	E16
Site ID	8040	*Stage*	Confirmed
MPCA Leak ID	0	*Category*	Disposal
Dump Type	Large, Unlimited Variety	*Alternate Names*	
Comments		*Write Up*	8040
City	Hampton Twp		

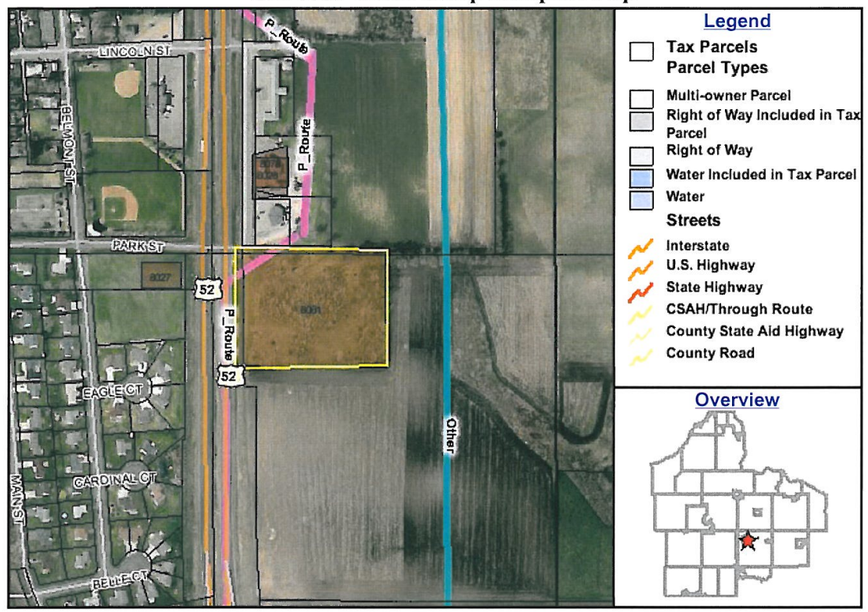
Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 555 feet

Print Preview

Page 1 of 1

Site 8061- Demo Dump-Hampton Twp

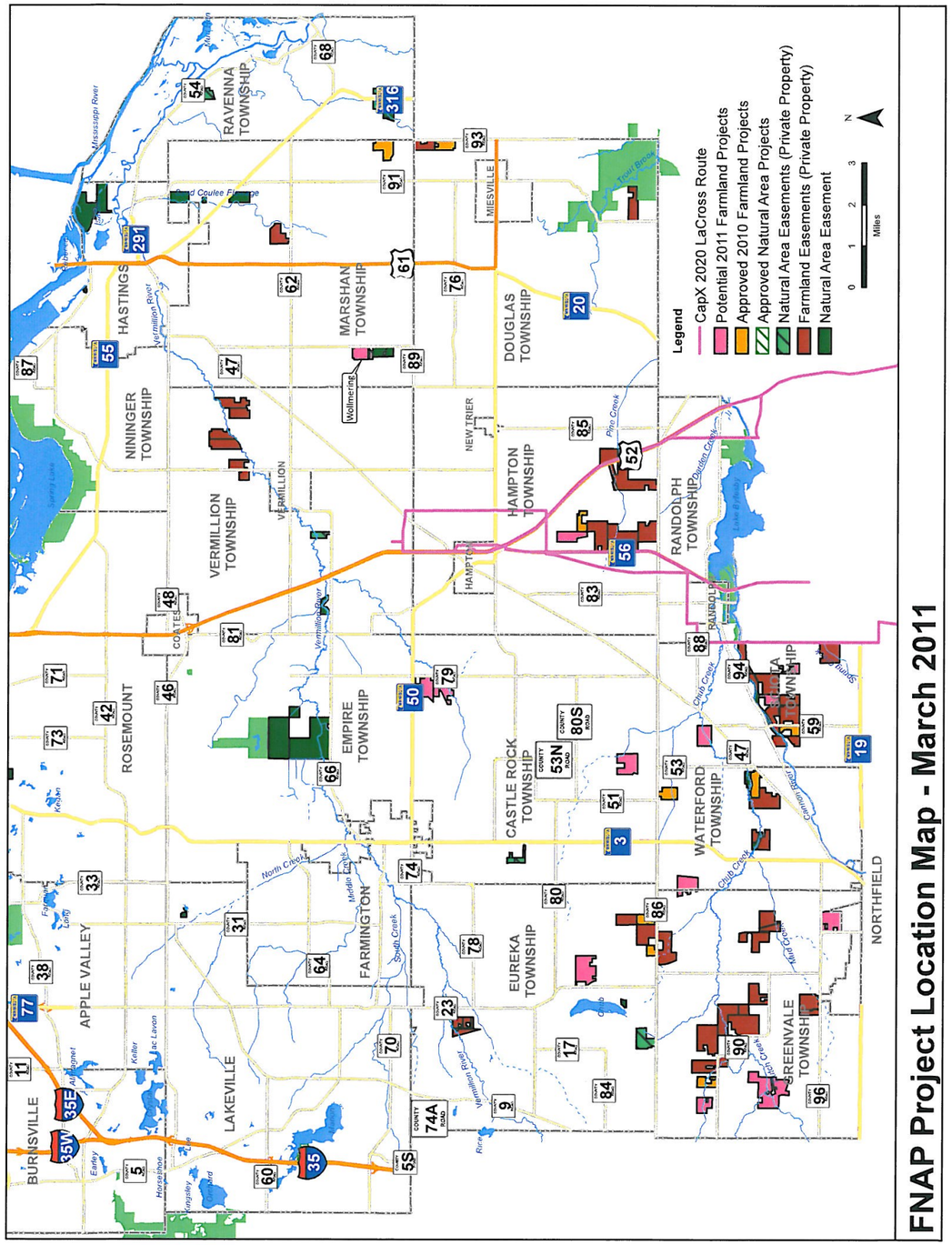


Name	Hampton Demolition Dump	*File Location*	E9
Site ID	8061	*Stage*	Suspected
MPCA Leak ID	0	*Category*	Disposal
Dump Type	Large, Unlimited Variety	*Alternate Names*	
Comments		*Write Up*	8061
City	Hampton Twp		

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 473 feet

FEIS ID #10



10A.

It is true that the proposed transmission line structures will change the visual landscape in the areas it crosses.

10B.

See Section 7.12 of the EIS.

10C.

See Section 8.1.4.7 of the EIS.

10D.

Section 8.1.4.12 of the EIS has been updated to include reference to the recreational trail and bridge over the Cannon River discussed in the Lake Byllesby Regional Park Master Plan.

10E.

Route alternatives 1B-005 and 1P-009 run along Hwy 56 through Lake Byllesby Regional Park. However, the route permit does not designate a side of the road the line would be on, only a route. The conversion scenario is noted and is part of the record in this matter by its inclusion in the EIS, and will be submitted to the OAH and Commission for consideration.

10F.

The Applicant anticipates that a route will be established and a Minnesota Route Permit issued in the fall of 2011, while construction will begin in earnest in the third or fourth quarter of 2012. Therefore it is likely that dam improvement activities at Byllesby Dam will begin prior to final route selection for the Project.

10G.

The Dakota County FNAP allows Dakota County landowners to be paid for the development value of their land in exchange for a permanent conservation easement over the land. The easement prevents the land from being developed for any purpose apart from the intent of the easement. A route that would be adjacent to, but would not cross or encroach upon, lands in the Farmland Natural Areas Program would have no legal effect on such an easement. However, the easements hold that no utility poles or structures may be placed within the easement, and no new utility easements may be granted across the Farmland and Natural Areas Program easement without the written consent of the grantee; in this case, Dakota County and the USDA.

10H.

The Minnesota Pollution Control Agency's (PCA) database of Leaking Underground Storage Tanks (LUST) and Master Entity System (MES) Locations were reviewed and the results are presented in Section 7.1.7 and Appendices H, I, and J. These locations are also shown on Maps 8.1-21, 8.2-17, and 8.3-34.

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10J.

The comment is part of the record in this matter by its inclusion in the EIS, and will be submitted to the OAH and Commission for consideration.

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